

Exhibit C

In the Matter Of:
BLACK vs ANTHONY DAIN

1:16-cv-012389(CBA)(ST)

BERNARD BLACK

September 04, 2019



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Black

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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SARAH H. BLACK and
KATHERINE BLACK, on
behalf of her minor
children D.B. and J.B.,

Plaintiffs,

v. Case No. 1:16-cv-012389(CBA)(ST)

ANTHONY DAIN, CHERIE WRIGLEY,
IRA SALZMAN, MELISSA COHENSON,
BRIAN A. RAPHAN, P.C., PAMELA
KERR, ESAUN G. PINTO, and
CPI INVESTIGATIONS,

Defendants.

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BERNARD BLACK

New York, New York

Wednesday, September 4, 2019

Reported by: Steven Neil Cohen, RPR

Job No. J4452747

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

2

Black

September 4, 2019

1:40 p.m.

Videotaped Deposition of BERNARD

BLACK, taken by Defendants, pursuant to
notice, at the offices of Esquire Deposition
Solutions, 1384 Broadway, New York, New
York, before Steven Neil Cohen, a Registered
Professional Reporter and Notary Public of
the State of New York.

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

3

Black

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BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

4

Black

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BY: ANDREW MANCILLA, ESQ.

ROBERT FANTONE, ESQ.

ALSO PRESENT:

Marcelo Rivera, Videographer

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

5

Black

IT IS HEREBY STIPULATED AND
AGREED, by and between counsel for the
respective parties hereto, that the sealing
and filing of the within deposition be
waived; that such deposition may be signed
and sworn to before any officer authorized
to administer an oath; that all objections,
except as to form are reserved to the time
of trial.

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

13

1 Black

2 Q. I am pretty sure you just did.

3 A. I am following counsel's advice.

4 Q. So you are refusing to answer?

5 A. On advice of counsel I am -- my
6 answer is asked and answered.

7 Q. Did Esaun Pinto have access to the
8 Chase Bank account statements for Joanne's
9 accounts in 2013?

10 A. I do not know. I know that he had
11 access to the debit cards for her checking
12 accounts.

13 Q. Did he have access in 2014 to the
14 Chase Bank statements?

15 A. I do not know. I know that he had
16 access to the debit cards for Joanne's
17 checking accounts.

18 Q. Who did have access to the Chase
19 Bank statements for Joanne's accounts?

20 A. For a Chase account into which I
21 was depositing money I had access and for
22 the Wells Fargo accounts I did not have
23 access and I would assume that Joanne if she
24 had internet access in the hospital, which I
25 do not know, would also have had access to

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

14

1 Black

2 her own bank statements.

3 Q. Let me see if I can get
4 clarification from that answer.

5 Did anyone but you have access to
6 the Chase account bank statements for Joanne
7 Black?

8 A. I already said that I don't know
9 whether Esaun had access or not and I
10 testified that I did have access.

11 Am I affirmatively aware that
12 someone else did have access no, I am not
13 affirmatively aware.

14 Q. When did you gain access to her
15 Chase account statements for her accounts?

16 A. I gained access following my
17 mother's death.

18 Q. When?

19 A. My mother died in May of 2012 so
20 sometime after May 1st of 2012.

21 Q. About how long after your mother's
22 death did you gain access to Joanne Black's
23 bank account statements?

24 A. I do not recall.

25 Q. Was it approximately six months,

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

15

1 Black

2 within the first six months?

3 A. It would have been within the
4 first six months after my mother's death,
5 yes.

6 Q. How did you do that?

7 A. I asked Chase for access as the
8 executor of my mother's estate.

9 Q. And Chase gave you access to
10 Joanne Black's Chase account when you
11 represented to them that you were the
12 executor of Renata Black's estate?

13 A. So I believe it was my mother's
14 account. Look, this is 2012. It is now
15 2019. They -- if there was an account
16 titled in Joanne Black's name then I would
17 not have had access to that.

18 I believe that instead Joanne had
19 a debit card for an account that was in my
20 mother's name. That is my recollection.

21 Q. Okay. How many Chase accounts did
22 you have access to that were in Joanne
23 Black's name?

24 A. So, as I said, if this account was
25 in Joanne Black's name which is knowable but

BERNARD BLACK
BLACK vs ANTHONY DAIN

September 04, 2019

16

1 Black

2 I don't know it today then I would not have
3 had access to that account.

4 If the account was in Renata
5 Black's name which is my best recollection
6 then as executor I would have been able to
7 ask Chase for access to the statements for
8 that checking account.

9 Q. Okay. So I am not asking you if.
10 I am asking you -- actually hold on.

11 MR. MANCILLA: Should we just
12 put on the record that Anthony Dain
13 has joined?

14 THE COURT REPORTER: Mr. Dain,
15 this is the court reporter. Do you
16 want a copy of this transcript?

17 MR. DAIN: No, I don't.

18 THE COURT REPORTER: Thank you.

19 BY MR. MANCILLA:

20 Q. I am not asking you if they were
21 in the name of Joanne Black.

22 I am asking how many accounts do
23 you recall that you had access to that were
24 in the name of Joanne Black?

25 A. Asked and answered.